



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

DEC - 1 2015

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

**Certified Mail - Return Receipt Requested**

Mr. Steve Meierotto  
Alaska Department of Transportation & Public Facilities  
P.O. Box 507  
Valdez, Alaska 99686

**Re: NOTICE OF VIOLATION**

Alaska Department of Transportation & Public Facilities (Alaska DOT & PF) Valdez  
EPA ID Number AKD 98307 6134

Dear Mr. Meierotto:

This Notice of Violation (NOV) is to inform you of violations of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901. These violations were identified as a result of an inspection performed by the U.S. Environmental Protection Agency (EPA) on August 15, 2013, at the Alaska Department of Transportation & Public Facilities (Alaska DOT & PF) located at 351 East Egan Avenue, Valdez, Alaska 99686. The purpose of the inspection was to determine the facility's compliance with RCRA hazardous waste generator standards, universal waste management standards, and used oil management standards. This inspection was performed pursuant to EPA's authority under Section 3007 of RCRA, 42 U.S.C. § 6927.

At the time of the inspection, the following violations were observed:

**Violation 1: Failure to label containers of used oil with the words "Used Oil"**

The regulation 40 C.F.R. § 279.22(c) states that containers used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of the inspection, the inspector observed that at least 13 containers of used oil were not marked with the words "Used Oil" as required by 40 C.F.R. § 279.22(c).

Prior to the inspector leaving the facility, the containers of used oil were labeled. Therefore, this violation has been corrected.

**Violation 2: Failure to determine if a solid waste is a hazardous waste**

According to the regulation 40 C.F.R. § 261.5(g)(1), in order for hazardous waste generated by a conditionally exempt small quantity generator to be excluded from full regulation, the generator must comply with 40 C.F.R. § 262.11, which requires that a generator determine if a solid waste is a hazardous waste.

At the time of the inspection, the inspector observed that waste fluorescent lamps were being crushed. The inspector was told that a hazardous waste determination had not been performed on the waste lamps. Failure to determine if a solid waste is a hazardous waste is a violation of 40 C.F.R. § 262.11.

### **Violation 3: Treating and disposing of hazardous waste without a permit**

According to 40 C.F.R. § 261.5(g)(3), a conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility, provided that the unit is permitted under 40 C.F.R. § 270, or 40 C.F.R. § 258.

At the time of the inspection, the inspector observed that hazardous waste aerosol cans were being punctured and the contents were allowed to spray out into the environment. Puncturing hazardous waste aerosol cans and releasing the contents to the environment is considered treatment and disposal of hazardous waste. The facility did not have a permit for treatment or disposal of hazardous waste in violation of 40 C.F.R. § 261.5(g)(3).

### **No Further Action Required**

The above violations may subject Alaska DOT & PF Valdez to enforcement action under Section 3008 of RCRA, including the assessment of civil penalties. On August 20, 2013, the EPA received an email documenting that steps had been taken to return to compliance for all violations cited here. No further action is required.

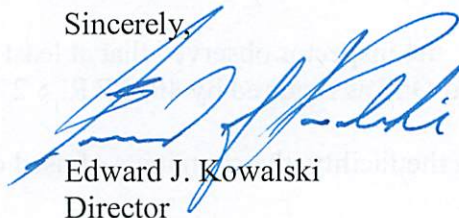
### **EPA Reservation of Rights**

Notwithstanding this NOV or your response, the EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority, including without limitation, the right to seek injunctive relief, implementation of response actions or corrective measures, cost recovery, monetary penalties, and punitive damages. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect duties, obligations, or responsibilities with respect to Alaska DOT & PF Valdez under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Jack Boller of my staff at 206-553-2953 or by email at [bolter.jack@epa.gov](mailto:bolter.jack@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward J. Kowalski", is written over the printed name and title.

Edward J. Kowalski  
Director